

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 251                      Library Records  
**SPONSOR(S):** Patterson  
**TIED BILLS:** None                      **IDEN./SIM. BILLS:** SB 192

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Tourism (Sub)</u>	<u>5 Y, 0 N</u>	<u>McDonald</u>	<u>Whitfield</u>
2) <u>Commerce</u>	<u>13 Y, 0 N w/CS</u>	<u>McDonald</u>	<u>Whitfield</u>
3) <u>Local Affairs (Sub)</u>	_____	_____	_____
4) <u>Local Government &amp; Veterans' Affairs</u>	_____	_____	_____
5) <u>Transportation &amp; Econ. Dev. Apps. (Sub)</u>	_____	_____	_____
6) <u>Appropriations</u>	_____	_____	_____

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### SUMMARY ANALYSIS

In 1978, the Florida Legislature enacted Chapter 78-81, L.O.F. This created a public records exemption for library registration records and circulation records. The only exception to the exemption was for judicial orders. Additionally, the act made it a second degree misdemeanor for any person to violate the act. In 1996, the Florida Legislature amended the public records exemption to include additional exceptions.

Current law only allows municipal or county law enforcement officials, judicial officials, or any business to have access to such patron's information for the purpose of collecting fines or recovering overdue books, documents, films, or other items or materials belonging to the library. Any confidential and exempt information regarding a library patron under the age of 16 may not be released. A public library may only release information relating to the parent or guardian of the patron.

The bill amends that public records exemption to allow the parent or guardian of a public library patron under 16 to have access to that patron's library records for the purpose of collecting fines or recovering overdue books, documents, films, or other items or materials belonging to the library. The bill does not allow access for any other reason. The bill also restructures the exemption language to make it easier to read and it clarifies that a library patron has access to the patron's records.

The bill does not appear to have a fiscal impact on state or local governments.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

**STORAGE NAME:** h0251b.com.doc  
**DATE:** March 17, 2003

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |   |                             |   |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government?                | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/>            |
| 2. Lower taxes?                      | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/>            |

For any principle that received a "no" above, please explain:

#### B. EFFECT OF PROPOSED CHANGES:

In 1978, the Florida Legislature enacted Chapter 78-81, L.O.F. (the act). The act created a public records exemption for library registration records and circulation records. The only exception to the exemption was for judicial orders. Additionally, the act made any violation a second degree misdemeanor. In 1996, the Florida Legislature amended the public records exemption to include additional exceptions. Currently, a municipal or county law enforcement official or a judicial official may have access to such records for the purpose of recovering overdue books, documents, films, or other items or materials owned or otherwise belonging to the library or for collecting fines on overdue books, documents, films, or other items or materials. Any confidential and exempt information regarding a library patron under the age of 16 may not be released. A public library may only release information relating to the parent or guardian of such patron.

House Bill 251 amends that public records exemption to allow the parent or guardian of a public library patron, under the age of 16, to have access to that patron's library records for the purpose of collecting fines or recovering overdue books, documents, films, or other items or materials belonging to the library. The bill does not allow a parent or guardian of the patron to have access to that patron's library records for any other reason than those previously listed. The bill does not grant a parent or guardian access to his or her child's library records for the purpose of monitoring or discovering what books the child checks out at the library. The bill also clarifies that a library patron has access to that patron's records. Additionally, the bill restructures s. 257.261, F.S., to make it easier to read.

#### C. SECTION DIRECTORY:

Section 1. Amends s. 257.261, F.S., relating to library registration and circulation records, to revise provisions relating to confidentiality of such records for a library patron under age 16, to clarify access to records by a library patron, and to restructure the section to provide more clarity.

Section 2. Provides that the bill will take effect July 1, 2003.

### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

None.

##### 2. Expenditures:

None.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

The legislation does not require expenditure of funds by local governments, does not reduce the authority to raise revenue, nor reduce the percentage of state tax shared with local governments.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

None.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

On March 17, 2003, the Committee on Commerce passed HB 251 with CS. The committee substitute restructures s. 257.261, F.S., to conform it to its Senate companion measure and to make the section easier to read. It also clarifies that a library patron can have access to that patron's records.